

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

December 31, 2001

IN RE:

COMPLAINT OF XO TENNESSEE, INC.
AGAINST BELL SOUTH
TELECOMMUNICATIONS, INC.

DOCKET NO.
01-00868

ORDER GRANTING INTERVENTION

This docket came before the Hearing Officer for consideration of the *Petition to Intervene* filed by Cinergy Communications Company ("Cinergy") on November 30, 2001.

Tennessee Code Annotated Section 4-5-310(a) sets forth the following criteria for granting petitions to intervene:

(a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if:

(1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;

(2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of the law; and

(3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.¹

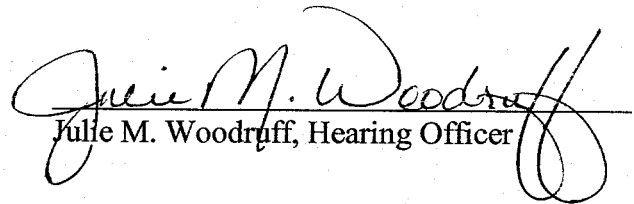
The Hearing Officer finds that the petition is timely filed and substantiates that Cinergy's legal interests may be affected by this docket. Cinergy has not requested any relief that would impair the interests of justice or the orderly and prompt conduct of this docket. Moreover, no party filed

¹ Tenn. Code Ann. § 4-5-310(a) (1998).

objections to the petition. Therefore, pursuant to Tennessee Code Annotated Section 4-5-310(a), the petition should be granted.

IT IS THEREFORE ORDERED THAT:

Cinergy Communications Company is hereby granted leave to intervene and may participate in this proceeding as its interests require and receive copies of any notices, orders or other documents filed herein.


Julie M. Woodruff, Hearing Officer

ATTEST:



K. David Waddell, Executive Secretary